

TURNER & MEDE, P.C.  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

CELESTE BARRAS, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
HEALTHSOUTH MEDICAL CLINICS OF )  
ANCHORAGE, LLC & U.S. )  
HEALTHWORKS HOLDING CO., INC., )  
 )  
Defendants. )

Case No. A05-0174-CV (JWS)

**MEMORANDUM REGARDING FEES AND COSTS ASSOCIATED WITH DEFENDANTS'**  
**MOTION TO COMPEL PRODUCTION OF FRCP 26 DISCLOSURES**

In accordance with the Court's June 23, 2006 Order, Defendants Healthsouth Medical Clinics of Anchorage, LLC and U.S. Healthworks Holding Co., Inc. (collectively ``Defendants'') submit this memorandum setting forth the amounts incurred by Defendants in filing their Motion to Compel Production of FRCP 26 Disclosures. The Court has granted Defendants motion and ordered Plaintiff Celeste Barras (``Plaintiff'') to provide initial

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Memorandum Re Fees and Costs Associated with Defendants' Motion to Compel

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disclosures to Defendants on or before July 5, 2006 and to pay Defendants the attorney fees and costs associated with bringing the underlying motion.

Defendants have incurred \$2,255.00 in attorneys fees in bringing their Motion to Compel. Specifically, Patricia A. Vecera, whose time is billed at \$195.00 per hour, spent 11.0 hours of time working on the Motion to Compel as follows:

<u>Date</u>	<u>Hours</u>	<u>Description</u>
4/10/06	.7	Begin drafting outline for motion to compel; retrieve/review prior correspondence requesting Rule 26 disclosures
4/17/06	1.3	Resume review of correspondence, court orders and motion for extension of time relating to Rule 26 disclosures; resume drafting outline of motion to compel with dates of prior demands to comply with discovery rules; draft letter to Jacobus re final request to comply or motion to compel will be filed on 4/20/06.
4/24/06	1.9	Review correspondence from Jacobus re intent to withdraw as counsel; begin drafting motion to compel Barras to submit Rule 26 disclosures and for court to impose sanctions; review federal and local federal rules re motions to compel.
4/24/06	.2	Review voice mail from Jacobus and leave message declining any further extension of time.
4/24/06	2.8	Review correspondence to Jacobus and Jones re Rule 26 compliance; draft

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"Factual History" section of motion re (1) defendants' timely compliance with Rule 26, (2) Barras' failure to comply with state court scheduling order and scheduling and planning order issued by U.S. District Court following removal, (3) Barras' failure to comply with numerous agreed upon dates, (4) final attempts by defense counsel to secure compliance; begin drafting "Argument" section.

4/24/06 1.7

Resume drafting "Argument" section re rules permitting motion to compel; FRCP 37(a)(4)(A) and D. Ak. LR 37.1 allowing for imposition of sanctions where willful; reasons why Barras' action are willful; obtain (on Westlaw) and cite cases supporting finding of prejudice to defendants where plaintiff fails to set forth basis of claims through discovery.

4/24/06 1.1

Complete drafting "Argument" and "Conclusion" sections and begin comprehensive edit; review rules re electronic filing requirements.

4/24/06 1.3

Draft motion, proposed order and affidavit of attorney Vecera to accompany memorandum in support of motion to compel; forward all to legal assistant to mark exhibits, final review and file with court; draft email memo to client transmitting draft of all documents.

TOTAL 11.0

In addition, William F. Mede, whose time is billed at \$275.00 per hour, spent .4 hours of time in connection with the motion as follows:

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<u>Date</u>	<u>Hours</u>	<u>Description</u>
4/25/06	.1	Conference with Attorney Vecera re issues to address in motion to compel.
4/24/06	.3	Review and revision of defendants' motion to compel and supporting documents.
TOTAL	.4	

Such attorney time was actually and necessarily spent in the course of preparing the Motion to Compel.<sup>1</sup>

DATED at Anchorage, Alaska, this 29<sup>th</sup> day of June 2006.

s/Patricia A. Vecera  
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**Certificate of Service**

I hereby certify that on June 29, 2006, a copy of the foregoing Memorandum Regarding Fees and Costs Associated with Defendants' Motion to Compel Production of FCRP 26 Disclosures was served on M. Celeste Barras, 160 Ocean Park Drive, Anchorage AK 99515-3401, by regular U.S. mail.

s/Patricia A. Vecera

<sup>1</sup> See Attached Affidavit of Patricia A. Vecera.